

Response to Restriction Requirement and Election of Species

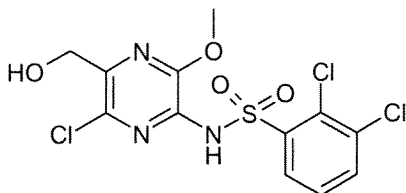
In response to the restriction requirement set out in the Action mailed January 23, 2008, Applicants hereby elect the invention of the Examiner's Group VII, "The compound or composition of the formula I, not previously described in Groups I-VI, according to Claims 1-6, 8 and 10." This election is made with traverse for the reasons that it is not completely clear what the Examiner intends by the recitation in Groups I-VI of "where R⁵ and R⁶ is a [ring structure as defined]" (emphasis added). The defined ring structures are present at the R⁵ and/or R⁶ positions of the core pyrazinyl ring in some instances as the R⁵ and/or R⁶ substituent *per se* but far more often the defined ring structures are present *as only a part* of the R⁵ and/or R⁶ substituent, and even then often *indirectly* attached to the core pyrazinyl ring.

As requested at page 4 of the Action, Applicants identify claims 1-6 and 8 as encompassing the elected invention. Claim 10, which was included in the recitation of claims covered by elected Group VII, will be cancelled, as being in a "use" format not generally acceptable under U.S. practice. Process claims 7, 9 and 11-15 should be deemed as "withdrawn," and eligible for rejoinder upon allowance of a generic compound claim. Amended claims will be filed in due course by preliminary amendment to comport the claims to this election.

Requirement for Election of Species

At pages 6-7 of the Action the Examiner has required that Applicants make a provisional election a single disclosed species "for prosecution on the merits to which the claims shall be restricted *if* no generic claim is finally held to be allowable." In accordance with this requirement, Applicants hereby provisionally elect the species:

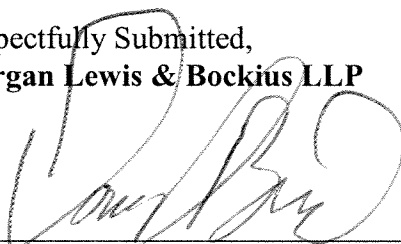
2,3-Dichloro-*N*-[6-chloro-5-(hydroxymethyl)-3-methoxypyrazin-2-yl]benzenesulphonamide having the structure:



which is the compound of Example 127, and is the 126th listed compound in claim 6. Elected claims 1-6 and 8 read on the elected species.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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Date: June 23, 2008
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